Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Saturday, 25th February 1978 / 6th Phalguna 1899 [No. 124

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2325/LA4A/78. *Dated, Trivandrum, 25th February 1978.*

The Kerala Municipal Councils (Extension of Term of Office of Councillors) Bill, 1978 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/755/MC.

Fifth Kerala Legislative Assembly
Bill No. 55

THE KERALA MUNICIPAL COUNCILS (EXTENSION OF TERM OF OFFICE OF COUNCILLORS) BILL, 1978

A
BILL

to provide for the further extension of the term of office of the councillors of municipalities other than the Changanacherry and Tirur Municipalities.

Preamble.—WHEREAS it is expedient to provide for the further extension of the term of office of the councillors of municipalities other than the Changanacherry and Tirur Municipalities;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipal Councils (Extension of Term of Office of Councillors) Act, 1978;

(2) It shall be deemed to have come into force on the 31st day of January, 1978.

2. *Extension of term of office of Municipal Councillors.*—Notwithstanding anything contained in the Kerala Municipalities Act, 1960 (14 of 1961), the term of office of the councillors of all the municipalities constituted under the said Act, other than the Changanacherry and Tirur Municipalities, which expires on the 1st day of February, 1978, shall extend upto noon on the 1st day of June, 1978.

3. *Repeal and saving.*—(1) The Kerala Municipal Councils (Extension of Term of Office of Councillors) Ordinance, 1978 (5 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to bave been done or taken under this Act.

33/755/MC

STATEMENT OF OBJECTS AND REASONS

By section 2 of the Punalur Municipal Council (Extension of Term of Office of Councillors) Ordinance, 1977 (16 of 1977), the term of office of the councillors of the Punalur Municipality was extended upto noon on the 1st day of February, 1978. By section 2 of the Kerala Municipal Councils (Extension of Term of Office of Councillors) Ordinance, 1977 (23 of 1977), the term of office of the councillors of all the Municipalities in the State other than the Changanacherry, Punalur and Tirur Municipalities was extended upto noon on the 1st day of February, 1978. The intention was to conduct the election of the councillors of all municipalities, other than the Tirur Municipality, in the month of January, 1978. But the elections could not be held in January, 1978, due to the agitation of the village staff and the strike by a section of the Government employees and it has been decided to conduct the elections in May, 1978, so that the newly elected councillors may enter upon office on the 1st June, 1978. It was, therefore, necessary to extend the term of office of the councillors of all the municipalities in the State other than the Changanacherry and Tirur Municipalities, upto the 1st June, 1978.

2. As the Legislative Assembly was not in session and as the proposed legislation could not wait till the next session of the Legislative Assembly, the Kerala Municipal Councils (Extension of Term of Office of Councillors) Ordinance, 1978 (5 of 1978), was promulgated by the Governor on the 31st January, 1978, extending the term of office of the councillors of all the Municipalities, except Changanacherry and Tirur Municipalities, upto the 1st June, 1978. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, would not involve any expenditure from the Consolidated Fund of the State.

K. AVUKADERKUTTY NAHA

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2326/LA4/78. *Dated, Trivandrum, 25th February 1978.*

The Trivandrum Municipal Corporation (Dissolution) Amendment Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/756/MC.

Fifth Kerala Legislative Assembly
Bill No. 56

THE TRIVANDRUM MUNICIPAL CORPORATION (DISSOLUTION) AMENDMENT BILL, 1978

A

BILL

further to amend the Trivandrum Municipal Corporation (Dissolution) Act, 1976.

Preamble.—WHEREAS it is expedient further to amend the Trivandrum Municipal Corporation (Dissolution) Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Trivandrum Municipal Corporation (Dissolution) Amendment Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of January, 1978.

2. *Amendment of section* 6.—In section 6 of the Trivandrum Municipal Corporation (Dissolution) Act, 1976 (8 of 1976) (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the figures, letters and words "1st day of February, 1978", the figures, letters and words "1st day of June, 1978" shall be substituted;

(b) in sub-section (2), for the figures, letters and words "1st day of February, 1983", the figures, letters and words "1st day of June, 1983" shall be substituted.

3. *Repeal and saving.*—(1) The Trivandrum Municipal Corporation (Dissolution) Amendment Ordinance, 1978 (6 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

GPT 2/748/MC

STATEMENT OF OBJECTS AND REASONS

According to section 6 of the Trivandrum Municipal Corporation (Dissolution) Act, 1976 (8 of 1976), as amended by the Trivandrum Municipal Corporation (Dissolution) Amendment Ordinance, 1977 (20 of 1977), the council of the Corporation of the City of Trivandrum had to be reconstituted on the 1st day of February, 1978. However, the election of the councillors of the said Corporation proposed to be held in January, 1978, could not be held due to the agitation of the village staff and the strike by a section of the Government employees. It has been decided to hold such election in May, 1978 so as to enable the reconstitution of the council on the 1st June, 1978. It was therefore, necessary to extend the time for reconstitution of the council of the Corporation of the City of Trivandrum upto the 1st June, 1978.

2. As the Legislative Assembly was not in session, and as the proposed legislation could not wait till the next session of the Legislative Assembly, the Trivandrum Municipal Corporation (Dissolution) Amendment Ordinance, 1978 (6 of 1978), was promulgated by the Governor on the 31st January, 1978, for the above purpose. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. AVUKADERKUTTY NAHA

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2327/LA4A/78. *Dated, Trivandrum, 25th February, 1978.*

The Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/757/MC

Fifth Kerala Legislative Assembly
Bill No. 57

THE CALICUT MUNICIPAL CORPORATION (EXTENSION OF TIME FOR RECONSTITUTION) AMENDMENT BILL, 1978

A

BILL

further to amend the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976.

Preamble.—WHEREAS it is expedient further to amend the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement*.—(1) This Act may be called the Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of January, 1978.

2. *Amendment of section 3*.—In section 3 of the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976 (3 of 1977) (hereinafter referred to as the principal Act),—

(a) in sub-sections (1) and (2), for the figures, letters and words "1st day of February, 1978", the figures, letters and words "1st day of June, 1978" shall be substituted;

(b) in sub-section (3), for the figures, letters and words "1st day of February, 1983", the figures, letters and words "1st day of June, 1983" shall be substituted.

3. *Repeal and saving*.—(1) The Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Ordinance, 1978 (7 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

According to section 3 of the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976 (3 of 1977), as amended by the Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Ordinance, 1977 (21 of 1977), the council of the Corporation of the City of Calicut had to be reconstituted on the 1st day of February, 1978. However, the election of the councillors of the said Corporation proposed to be held in January, 1978, could not be held due to the agitation of the village staff and the strike by a section of the Government employees. It has been decided to hold such election in May, 1978 so as to enable the reconstitution of the council on the 1st June, 1978. It was, therefore, necessary to extend the time for reconstitution of the council of the Corporation of the City of Calicut upto the 1st June, 1978.

2. As the Legislative Assembly was not in session and as the proposed legislation could not wait till the next session of the Legislative Assembly, the Calicut Municipal Corporation (Extension of Time for Reconstitution) Amendment Ordinance, 1978 (7 of 1978), was promulgated by the Governor on the 31st January, 1978, for the above purpose. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into force, would not involve any expenditure from the Consolidated Fund of the State.

K. AVUKADERKUTTY NAHA

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2328/LA4/78. *Dated, Trivandrum, 25th February 1978.*

The Kerala Municipal Corporations (Amendment) Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/758/MC

THE KERALA MUNICIPAL CORPORATIONS (AMENDMENT) BILL, 1978

A

BILL

to provide for the further extension of the term of office of the Mayor, Deputy Mayor and other councillors and members and chairmen of standing committees of the Corporation of the City of Cochin.

Preamble.—WHEREAS it is expedient to provide for the further extension of the term of office of the Mayor, Deputy Mayor and other councillors and members and chairmen of standing committees of the Corporation of the City of Cochin;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipal Corporations (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of January, 1978.

2. *Extension of term of office of Mayor, Deputy Mayor, councillors etc., of the Corporation of the City of Cochin.*—Notwithstanding anything contained in the Kerala Municipal Corporations Act, 1961 (30 of 1961) (hereinafter referred to as the said Act), the term of office of the Mayor, the Deputy Mayor and other councillors and the members and chairmen of standing committees of the Corporation of the City of Cochin, constituted under the said Act, which expires at noon on the 1st day of February, 1978, shall extend upto noon on the 1st day of June, 1978.

3. *Act* 30 *of* 1961 *to be modified temporarily.*—The provisions of the said Act shall, in relation to the Corporation of the City of Cochin, have effect subject to the following modifications, namely:—

(a) the Government shall cause elections to be held to the council so that the newly elected councillors may enter upon office on the 1st day of June, 1978;

(b) the term of office of the newly elected councillors shall, subject to the provisions of the said Act, expire at noon on the 1st day of June, 1983;

(c) the election of the Mayor and the Deputy Mayor shall be held at the first meeting of the council after the 1st day of June, 1978 and the election of the chairman of each standing committee shall be held at the first meeting of such committee after the election of the Mayor;

(d) no election of the Mayor or the Deputy Mayor shall be held at the first meeting of the council after the 1st day of February, 1978, as required by section 28 of the said Act as modified by section 3 of the Kerala Municipal Corporations (Amendment) Ordinance, 1977 (22 of 1977).

4. *Repeal and saving.*—(1) The Kerala Municipal Corporations (Amendment) Ordinance, 1978 (8 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the said Act as modified by the said Ordinance shall be deemed to have been done or taken under this Act, or as the case may be, under the said Act as modified by this Act.

STATEMENT OF OBJECTS AND REASONS

By section 2 of the Kerala Municipal Corporations (Amendment) Ordinance, 1977 (22 of 1977), the term of office ol the Mayor, Deputy Mayor and other councillors and the members and chairmen of standing committees of the corporation of the City of Cochin was extended upto the 1st February, 1978. However, the election of the councillors of the said corporation proposed to be held in January, 1978, could not be held due to the agitation of the village staff and the strike by a section of the Government employees. It has been decided to hold such election in May, 1978, so that the newly elected councillors may enter upon office on the 1st June, 1978. It was, therefore, necessary to extend the term of office of the Mayor, the Deputy Mayor and other councillors and the members and chairmen of standing committees of the said corporation upto the 1st June, 1978.

2. As the Legislative Assembly was not in session and as the proposed legislation could not wait till the next session of the Legislative Assembly, the Kerala Municipal Corporations (Amendment) Ordinance, 1978 (8 of 1978), was promulgated by the Governor on the 31st January, 1978, for the above purpose. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. AVUKADERKUTTY NAHA

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2331/LA4A/78. *Dated, Trivandrum, 25th February 1978.*

The Guruvayoor Devaswom Bill, 1978 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/759/MC

Fifth Kerala Legislative Assembly

Bill No. 59

THE GURUVAYOOR DEVASWOM BILL, 1978

A

BILL

to make provision for the proper administration of the Guruvayoor Devaswom.

Preamble.—WHEREAS the Sree Krishna Temple at Guruvayoor is a very ancient temple of unique importance which owns extensive properties and endowments and in which millions of devotees from all over India are reposing their faith and belief;

AND WHEREAS under the scheme framed by the High Court of Madras in Appeals Nos. 211 and 212 of 1930, for the administration of the said Temple, as modified by the District Court, South Malabar, in O.S. No. I of 1938, the administration, control and management of the Temple and its properties and endowments had been vested in the hereditary trustees, namely, the Zamorin Raja of Calicut and the Karanavan for the time being of the Mallisseri Illom at Guruvayoor;

AND WHEREAS the administration and management of the said Temple and its properties and endowments had deteriorated and a situation had arisen rendering it expedient to reorganise, in the interests of the general public, the scheme of management of the affairs of the Devaswom, the Guruvayoor Devaswom Act, 1971, was enacted to provide better management of the Devaswom in supersession of the said scheme;

AND WHEREAS the High Court of Kerala in its judgment in Original Petition No. 314 of 1973 struck down the operative provisions of the said Act on the ground that those provisions are violative of articles 25 and 26 of the Constitution of India;

AND WHEREAS it is apprehended that if the administration, control and management of the Temple and its properties and endowments are vested in the hereditary trustees, the same situation which had rendered it expedient to reorganise the scheme of management of the affairs of the Devaswom and to enact the said Act is likely to arise;

AND WHEREAS it is expedient to provide in the public interest and in the interest of the worshippers of the Temple for a proper administration of the said Devaswom in accordance with the law as laid down in the said judgment;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Guruvayoor Devaswom Act, 1978.

(2) It shall be deemed to have come into force on the 29th day of November, 1977.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Administrator" means the Administrator appointed under section 14;

(b) "Commissioner" means an officer not below the rank of Secretary to Government who professes the Hindu Religion and believes in Temple worship, appointed by the Government, by notification in the Gazette, to be the Commissioner for the purposes of this Act;

(c) "Committee" means the Guruvayoor Devaswom Managing Committee constituted under section 3;

(d) "Court" means the District Court having jurisdiction over the area in which the Temple is situated;

(e) "Devaswom" means the Temple, and includes its properties and endowments and the subordinate temples attached to it;

(f) "person having interest in the Temple" means a person who is entitled to attend at, or is in the habit of attending, the performance of worship or service in the Temple or who is entitled to partake, or is in the habit of partaking, in the benefit,, of the distribution of gifts thereat;

(g) "prescribed" means prescribed by rules made under this Act;

(h) the expression "Scheduled Caste" shall have the meaning assigned to it in the Constitution of India;

(i) "Temple" means the Sree Krishna Temple at Guruvayoor.

CHAPTER II

THE COMMITTEE

3. *Incorporation.*—(1) The administration, control and management of the Devaswom shall be vested in a Committee constituted in the manner hereinafter provided.

(2) The Committee shall by the name of "the Guruvayoor Devaswom Managing Committee" be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through the Administrator.

4. *Composition of Committee.*—(1) The Committee shall consist of the following members, namely:—

(a) the Zamorin Raja;

(b) the Karanavan for the time being of the Mallisseri Illom at Guruvayoor;

(c) the Thanthri of the Temple, *ex-officio;*

(d) a representative of the employees of the Devaswom nominated by the Hindus among the Council of Ministers;

(e) not more than five persons, of whom one shall be a member of a Scheduled Caste, nominated by the Hindus among the Council of Ministers from among persons having interest in the Temple.

(2) A person shall be disqualified for being nominated under clause (e) of sub-section (1), if—

(i) he believes in the practice of untouchability or does not profess the Hindu Religion or believe in temple worship; or

(ii) he is an employee under the Government or the Devaswom; or

(iii) he is below thirty years of age; or

(iv) he is engaged in any subsisting contract with the Devaswom; or

(v) he is subject to any of the disqualifications mentioned in clauses (a), (b) and (c) of sub-section (3) of section 5.

(3) The members of the Committee shall, at its first meeting, elect one of its members as its Chairman.

(4) Every member of the Committee shall, before entering upon his office, make and subscribe in the presence of the Commissioner an oath in the following form, that is to say—

"I, A B, do swear in the name of God that I profess the Hindu Religion and believe in temple worship and that I do not believe in the practice of untouchability.".

5. *Term of office of non-official members, resignation and removal of such members and casual vacancies in their office.*—(1) A member nominated under clause (d) or clause (e) of sub-section (1) of section 4 shall hold office for a period of two years from the date of his nomination and shall be eligible for re-nomination.

(2) A member referred to in sub-section (1) may resign his office by giving notice in writing thereof to the Government and shall cease to be a member on his resignation being accepted by the Government.

(3) The Government may, by order, remove from office a member referred to in sub-section (1) if—

(a) he is of unsound mind and stands so declared by a competent court; or

(b) he has applied for being adjudged as insolvent, or is an undischarged insolvent; or

(c) he has been convicted of any offence involving moral turpitude; or

(d) they are satisfied that he has been guilty of corruption or misconduct in the administration of the Devaswom; or

(e) he has absented himself from more than three consecutive meetings of the Committee and is unable to explain such absence to the satisfaction of the Committee; or

(f) he, being a legal practitioner, has acted or appeared on behalf of any person against the Devaswom in any legal proceeding after he has been nominated as a member of the Committee; or

(g) he ceases to profess the Hindu Religion or to believe in temple worship; or

(h) he has committed or abetted the commission of any act in support or furtherance of the practice of untouchability.

(4) A member shall not be removed under sub-section (3) unless he has been given a reasonable opportunity of showing cause against his removal.

(5) A member who is removed under sub-section (3) may, within one month from the date of the receipt by him of the order of removal, institute a suit in the court to set aside the order.

(6) Notwithstanding anything contained in any law for the time being in force, the Court shall not have power to stay the operation of such order pending disposal of the suit under sub-section (5).

(7) The term of office of a member nominated to fill a casual vacancy shall be for so long only as the member whose place has been filled would have been entitled to hold office if the vacancy had not occurred.

6. *Dissolution and supersession of Committee.*—(1) If, in the opinion of the Government, the Committee is not competent to perform or makes default in performing the duties imposed on it under this Act or abuses or exceeds its powers, the Government may, after such inquiry as may be necessary, by notification in the Gazette, supersede the Committee for such period, not exceeding six months, as the Government may deem fit.

(2) Before issuing a notification under sub-section (1), the Government shall communicate to the Committee the grounds on which they propose to do so, fix a reasonable time for the committee to show cause against the proposal and consider its explanations and objections, if any.

(3) Any member of the Committee may, within a period of one month from the date of the publication of the notification under sub-section (1), institute a suit in the court to set aside the notification.

(4) Notwithstanding anything contained in any law for the time being in force, the court shall not have power to stay the operation of the notification pending disposal of the suit under sub-section (3).

(5) Where a committee is superseded under this section, the Commissioner shall exercise the powers and perform the functions of the Committee until the expiry of the period of supersession:

Provided that the period during which the Committee remains superseded shall not have the effect of extending the maximum term of office of a member nominated under clause (d) or clause (e) of sub-section (1) of section 4 beyond a period of two years.

7. *Meetings of the Committee.*—(1) The Committee shall maintain its office at such place or places at Guruvayur as the Committee may determine, for the transaction of its business.

(2) Every meeting of the Committee shall be presided over by the Chairman and in his absence by a person elected for the purpose by the members present from among themselves.

(3) No business shall be transacted at any meeting of the Committee unless at least three members thereof are present.

(4) Questions arising at a meeting of the Committee shall be decided by a majority of the votes of the members present thereat, and the Chairman or the person presiding shall have and exercise his casting vote in the case of equality of votes.

8. *Acts or proceedings of Committee not to be invalidated.*—No act or proceeding of the Committee shall be invalidated merely by reason of—

(a) any vacany in, or any defect in the constitution of, the Committee;

(b) any defect in the election or nomination of a person acting as the Chairman or a member of the Committee; or

(c) any irregularity in the procedure of the Committee not affecting the merits of the case.

9. *Remuneration of the Chairman and members.*—No member of the Committee shall receive or be paid any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed.

10. *Duties of Committee.*—Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of the Committee—

(a) subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the dittam or scale of expenditure fixed for the Temple and the subordinate temples under section 20 or, till the dittam or scale of expenditure is fixed under that section, in accordance with the dittam or scale of expenditure fixed for the Temple and the subordinate temples under section 61 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951);

(b) to provide facilities for the proper performance of worship by the worshippers;

(c) to ensure the safe custody of the funds, valuable securities and jewelleries and the preservation and management of the properties vested in the Temple;

(d) to ensure maintenance of order and discipline and proper hygienic conditions in the Temple and the subordinate temples attached thereto and of proper standard of cleanliness and purity in the offerings made therein;

(e) to ensure that the funds of the endowments of the Temple are spent according to the wishes so far as may be known of the donors;

(f) to make provision for the payment of suitable emoluments to the salaried staff of the Devaswom; and

(g) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and the convenience of the worshippers.

11. *Alienation of Devaswom properties.*—(1) No movable property of a non-perishable nature which is in the possession of the Committee and the value of which is more than five thousand rupees and no jewelleries shall be sold, pledged or otherwise alienated unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(2) Any exchange, sale or mortgage and any lease of any immovable property belonging to or given or endowed for the purposes of the Devaswom shall be null and void unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(3) Before according sanction under sub-section (1) or sub-section (2), the Commissioner shall publish the particulars relating to the proposed transaction in such manner as may be prescribed inviting objections and suggestions

with respect thereto and shall duly consider all objections and suggestions received from the Committee or other persons having interest in the Temple.

(4) When according sanction under sub-section (1) or sub-section (2), the Commissioner may impose such conditions and give such directions as he may deem necessary regarding the utilisation of the amount raised by the transaction, the investment thereof and in the case of a mortgage, regarding the discharge of the same within a reasonable period.

(5) A copy of the order made by the Commissioner under this section shall be communicated to the Government and to the Committee and shall be published in such manner as may be prescribed.

(6) The Committee may within three months from the date of receipt by it of a copy of the order and any person having interest in the Temple may within three months from the date of publication of the order institute a suit in the Court to modify the order or set it aside.

12. *Limitation of borrowing and lending powers.*—(1) The Committee shall have no power to borrow money from or to lend money to any person unless it is sanctioned by the Commissioner as being necessary or beneficial to the Devaswom.

(2) The Commissioner shall not refuse sanction under sub-section (1) unless the Committee has been given an opportunity of making representation against such refusal.

(3) Where sanction is refused under sub-section (1) the Committee may, within three months from the date of receipt by it of the decision of the Commissioner, institute a suit in the Court to set aside the decision.

13. *Administration Report.*—(1) The Committee shall annually submit to the Commissioner a report on the administration of the affairs of the Devaswom at such time as may be prescribed, and such report shall be forthwith published by the Committee in the prescribed manner.

(2) The Commissioner shall submit a copy of the report prepared and published under sub-section (1) to the Government and the Government shall, as soon as possible, cause the report to be laid before the Legislative Assembly.

Chapter III

ADMINISTRATION AND ESTABLISHMENT

14. *Appointment of Administrator.*—(1) The Committee shall appoint an officer of Government not below the rank of Deputy Collector to be the Administrator for the Devaswom, from among a panel of names furnished by the Government.

(2) No person shall be appointed under sub-section (1) unless he professes the Hindu Religion and believes in Temple worship.

(3) The Administrator appointed under the Guruvayoor Devaswom Act, 1971 (6 of 1971), and holding office at the commencement of this Act, shall, until the appointment of an Administrator under sub-section (1) or until the expiry of a period of three months from such commencement, whichever is earlier, be deemed to be the Administrator appointed under sub-section (1).

15. *Conditions of Service of Administrator.*—(1) The Administrator shall be a full-time officer of the Devaswom and shall not undertake any work unconnected with his office without the permission of the Committee.

(2) The Administrator shall be paid out of the funds of the Devaswom such salary and allowances as the Government may with the concurrence of the Committee fix in this behalf.

(3) There shall be levied a contribution from the funds of the Devaswom towards leave allowances, pension and provident fund of the Administrator to the extent required by the rules for the time being in force.

(4) The Government shall withdraw the Administrator from his office if a resolution recommending such withdrawal is passed by a majority of not less than two-thirds of the total membership of the Committee.

(5) Subject to the provisions of sub-sections (1), (2) and (4), the conditions of service of the Administrator shall be such as may be determined by the committee by regulations made in this behalf.

16. *Additional charge of office of Administrator.*—(1) Notwithstanding the provisions of sections 14 and 15, it shall be competent for the Government to appoint an officer of the Government not below the rank of Deputy Collector to be in additional charge of the office of the Administrator pending appointment of the Administrator under section 14 or when the office is temporarily vacant:

Provided that the period of such additional charge shall not exceed three months.

(2) No person shall be appointed under sub-section (1) unless he professes the Hindu Religion and believes in Temple worship.

(3) An officer appointed to be in additional charge of the office of the Administrator under sub-section (1) shall be paid such allowances as the Government may fix in this behalf.

17. *Powers and duties of Administrator.*—(1) The Administrator shall be the Secretary to the Committee and its chief executive officer and shall, subject to the control of the committee, have powers to carry out its decisions in accordance with the provisions of this Act.

(2) The Administrator shall arrange for the proper collection of offerings made in the Temple.

(3) The Administrator shall have power to incur expenditure not exceeding five thousand rupees to meet unforeseen contingencies during the interval between two meetings of the Committee.

18. *Establishment Schedule.*—(1) The Administrator may, as soon as may be after the commencement of this Act, prepare and submit to the Committee a schedule setting forth the duties, designations and grades of the officers and employees who may in his opinion constitute the establishment of the Temple and embodying his proposals with regard to the salaries and allowances payable to them.

(2) The Committee shall forward the schedule submitted to it under sub-section (1) with its recommendations thereon to the Commissioner for approval.

(3) The Commissioner shall, after considering the recommendations of the Committee, approve such schedule either without modification or with such modification as he deems necessary, and thereupon such schedule as approved by the Commissioner shall come into force.

(4) No change shall be effected in the schedule except with the approval of the Commissioner.

(5) Subject to such exceptions as the Committee may by general or special order direct, the officers and employees of the Devaswom in the service of the Devaswom immediately before the commencement of this Act shall continue as such, and the conditions of their service shall be such as may be prescribed by regulations made under this Act.

(6) A person who does not profess the Hindu religion or believe in temple worship shall be disqualified for being appointed as, or for being, an officer or employee of the Devaswom.

19. *Appointment of Officers and employees.*—(1) Appointment of all officers and other employees of the Devaswom shall be made by the Committee.

(2) Ten per cent of the posts in each grade of the officers and other employees of the Devaswom shall be reserved for Scheduled Castes.

(3) Selection of the officers and other employees of the Devaswom may be made by subcommittees constituted by the Committee from among its members:

Provided that selection of employees to be in charge of the rituals and other ceremonies of the Temple shall not be made by any subcommittee of which the Thantri of the Temple is not a member.

(4) Subject to the provisions of sub-sections (1), (2) and (3), the procedure for the selection and appointment of officers and other employees

of the Devaswom shall be such as may be determined by the Committee by regulations made in this behalf.

20. *Fixing of standard scales of expenditure.*—(1) The Committee may, from time to time, submit to the Commissioner proposals for fixing the dittam or scale of expenditure in the Devaswom and the amounts which should be allotted to the various objects connected with the Devaswom or the proportions in which the income or other property of the Devaswom may be applied to such objects.

(2) The Committee shall publish such proposals at the premises of the Devaswom and in such other manner as the Commissioner may direct, together with a notice stating that within one month from the date of such publication any person having interest in the Temple may submit objections or suggestions to the Commissioner.

(3) If, on a scrutiny of such proposals, and any suggestions made by person having interest in the Temple, it appears to the Commissioner that the scale of expenditure or any item in the scale of expenditure is at variance with the established usage of the Devaswom, or is not justified by its financial position, the Commissioner may call for the remarks of the Committee and if after considering the same, the Commissioner is of the opinion that any modification is required in the scale of expenditure or any item in the scale of expenditure, he shall pass orders accordingly, and such orders shall subject to the provisions of sub-section (4), be final.

(4) The Committee may, within three months from the date of receipt by it of the order passed by the Commissioner under sub-section (3), institute a suit in the Court to modify the order or to set it aside.

CHAPTER IV

BUDGET, ACCOUNTS AND AUDIT

21. *Budget.*—(1) The Committee shall, before the end of March in each financial year, submit to the Commissioner, in such form as may be fixed by him, a budget estimate of the receipts and expenditure of the Devaswom for the following financial year.

(2) Every such budget shall make adequate provision for—

(a) the dittam or scale of expenditure for the time being in force;

(b) the due discharge of all liabilities binding on the Devaswom;

(c) the repair and renovation of buildings connected with the Devaswom; and

(d) the maintenance of a working balance.

(3) The Commissioner may, after giving notice to the Committee in the prescribed manner and after considering its representations, if any, make

such alterations, omissions or additions in the budget as the Commissioner may deem fit.

(4) The Commissioner shall send a copy of the budget as approved by him to the Government.

22. *Revised or supplementary budget.*—If in the course of any year the Committee considers it necessary to modify the figures shown in the budget with regard to its receipts or expenditure, it may submit a supplementary or revised budget to the Commissioner:

Provided that no alteration shall be made in the working balance without the consent of the Commissioner.

23. *Accounts and audit.*—(1) The Committee shall keep regular accounts of all receipts and disbursements.

(2) The accounts of the Devaswom shall be subject to concurrent audit, that is to say, the audit shall take place as and when expenditure is incurred.

(3) The audit shall be made by auditors appointed in the prescribed manner, who shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

24. *Authority to whom audit report is to be submitted.*—After completing the audit for any year or shorter period or for any transaction or series of transactions, as he deems fit, the auditor shall send a report to the Commissioner.

25. *Contents of audit reports.*—(1) The auditor shall specify in his report all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the Devaswom or of loss or waste of money or other property thereof, caused by neglect or misconduct.

(2) The auditor shall also report on such other matters relating to the accounts as may be prescribed, or on which the Commissioner may require him to report.

26. *Rectification of defects disclosed in audit and order of surcharge against Committee, etc.*—(1) The Commissioner shall send a copy of every audit report to the Committee and it shall be the duty of the Committee to remedy any defects or irregularities pointed out by the auditor and report the same to the Commissioner.

(2) If on a consideration of the report of the auditor along with the report, if any, of the Committee, the Commissioner is satisfied that the Committee or any Officer or other employee of the Devaswom was guilty of mis-appropriation or wilful waste of the funds of the Devaswom or of gross neglect resulting in loss to the Devaswom, the Commissioner may, after giving notice to the Committee or such officer or other employee to show cause why

an order of surcharge should not be passed against it or him and after considering its or his explanation, if any, by order certify the amount so lost and direct the Committee or such officer or other employee to pay within a specified time such amount personally and not from the funds of the Devaswom:

Provided that if in respect of any expenditure or dealing with the property of the Devaswom, the Committee or such officer or other employee had obtained the directions of the Commissioner or the Government and had acted in accordance with the said directions, the Committee or such person shall not be held responsible.

(3) The Commissioner shall forward a copy of the order under sub-section (2) with the reasons for the same by registered post to the Committee or the officer or other employee concerned.

(4) The Committee or officer or other employee aggrieved by an order of the Commissioner under sub-section (3) may, within thirty days of the receipt by it or him of that order, apply to the court to modify or set aside the order, and the court after taking such evidence as is necessary, may confirm, modify or remit the surcharge.

(5) Notwithstanding anything contained in any law for the time being in force, the Court shall not have power to stay the operation of any order under sub-section (3) pending disposal of the application.

(6) An order of surcharge under this section against the Committee shall not bar a suit for accounts against it except in respect of the matters finally dealt with by such order.

(7) Any amount recoverable from the Committee or any officer or other employee by way of surcharge may on requisition made by the Commissioner be recovered under the provisions of the Kerala Revenue Recovery Act, 1968, as if it were an arrear of public revenue due on land.

Chapter V

GENERAL

27. *Authority of Committee to incur expenditure for certain purposes.*—The Committee may, after making adequate provision for the purposes referred to in sub-section (2) of section 21, incur expenditure out of the funds of the Devaswom for all or any of the following purposes, namely:—

(a) maintenance, management and administration of the Temple, its properties and the temples subordinate thereto;

(b) training of archakas to perform the religious worship and ceremonies in the Temple and the temples subordinate thereto;

(c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and constructions of buildings for their accommodations;

(d) culture and propagation of the tenets and philosophy associated with the temple;

(e) the establishment and maintenance of or the making of any grant or contribution to, any poor home or other similar institution which is maintained for the benefit mainly of persons belonging to the Hindu Community;

(f) the establishment and maintenance of any educational institution which provides for encouragement of education in the Sanskrit language or the maintenance of any such educational institution owned or managed by the Devaswom or in which the Devaswom has interest; and

(g) the making of any contribution to any religious institution:

Provided that nothing contained in sub-clause (e) shall prevent the continuance of any grant or contribution to any poor home or other similar institution which is maintained by or for the benefit of persons other than those belonging to the Hindu community if such grant or contribution was being made to such poor home or institution before the commencement of this Act as the customary practice associated with the temple:

Provided further that no expenditure shall be incurred for any of the purposes mentioned in sub-clause (f) and (g) unless the same is sanctioned by custom or practice associated with the Temple.

28. *Committee to be in the possession of Devaswom properties.*—(1) The Committee shall be entitled to take and be in possession of all movable and immovable properties including jewelleries, records, documents and other assets belonging to the Devaswom.

(2) If in obtaining such possession, the Committee or any person authorised in this behalf by the Committee or the Administrator is resisted or obstructed by any one, the Committee or the Administrator, as the case may be, may make a requisition in the prescribed form to the Collector of the District in which any such property is situate to deliver possession thereof to the Committee or the Administrator, as the case may be.

(3) Where a requisition is made to the Collector under sub-section (2), the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause shall comply with the said requisition; and in exercising the powers under this section, the Collector may use such force as may be necessary.

(4) Every person authorised by the Committee or acting under its instructions in pursuance of this section or the Administrator shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

(5) Nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order made thereunder for establishing his title to the property.

29. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or the Commissioner or the Committee or any member thereof or the Administrator or any other person acting under the instructions of the Committee or authorised by it, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

30. *Public Officers to furnish copies of or extracts from certain documents.*—All public officers having custody of any record, register, report or other document relating to the Devaswom shall furnish such copies of or extracts from the same as may be required by the Commissioner or the Committee.

31. *Cost of proceedings etc.*—The costs, charges and expenses of and incidental to any suit, appeal or application to a court shall be in the discretion of the court, which may direct the whole or any part of such costs, charges and expenses to be met from the property or income of the Devaswom or to be borne and paid in such manner and by such persons as it thinks fit.

32. *Notification, Orders etc., not to be questioned in court of law.*—Save as otherwise expressly provided in this Act no notification issued, order passed, decision made, proceedings or action taken or other thing done under the provisions of this Act by the Government or the Commissioner shall be liable to be questioned in any court of law.

33. *Power of Government to call for records and pass orders.*—(1) The Government may call for and examine the record of the Commissioner or of the Committee in respect of any proceeding, not being a proceeding in respect of which a suit or application to the court is provided by this Act, to satisfy themselves that the provisions of this Act have not been violated or the interests of the Devaswom have been safeguarded and if, in any case, it appears to the Government that any decision or order passed in such proceeding has violated the provisions of this Act or is not in the interest of the Devaswom, they may modify, annul or reverse such decision or order or remit such decision or order for reconsideration:

Provided that the Government shall not pass any order prejudicial to any party unless he has had a reasonable opportunity of making his representations.

(2) The Government may stay the execution of any such decision or order pending the exercise of their powers under sub-section (1) in respect thereof.

34. *Savings.*—Nothing in this Act shall, save as otherwise expressly provided in this Act or the rules made thereunder, affect any honour,

emolument or perquisite to which any person is entitled by custom or otherwise from or in the Devaswom, or its established usage in regard to any other matter.

35. *Thantri to be final authority in religious matters.*—(1) Nothing in this Act shall be deemed to authorise the Committee or the Commissioner or the Government to interfere with the religious or spiritual matters pertaining to the Devaswom.

(2) The decision of the Thantri of the Temple on all religious, spiritual, ritual or ceremonial matters pertaining to the Devaswom shall be final, unless such decision violates any provision contained in any law for the time being in force.

36. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty.

37. *Scheme framed for the Temple not to apply.*—The scheme framed for the Temple by the High Court of Madras in Appeals Nos. 211 and 212 of 1930, as modified by the District Court, South Malabar, in O.S. No. 1 of 1938, shall not apply to the Temple.

38. *Rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the publication of the administration report under section 13;

(b) custody of records and properties of the Devaswom;

(c) the payment of contributions towards the leave allowances, pension and provident fund of the Administrator;

(d) any other matter which is required to be, or may be, prescribed under this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

39. *Regulations.*—(1) The Committee may, subject to the approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for the manner in which the duties imposed on it under this Act and its functions thereunder shall be discharged.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the conditions of service of the Administrator and the other officers and employees of the Devaswom;

(b) enforcement of the observance of the rites and ceremonies and other usages in the Temple and the temples subordinate thereto;

(c) any other matter for which regulations are required to be made for the purposes of this Act.

40. *Madras Act XIX of 1951 not to apply to Devaswom.*—The provisions of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951) shall cease to apply to the Devaswom.

41. *Repeal and validation.*—(1) The Guruvayoor Devaswom Act, 1971 (6 of 1971) (hereinafter referred to as the said Act), is hereby repealed.

(2) Notwithstanding the repeal of the said Act, all orders passed or purported to have been passed, decisions made or purported to have been made, proceedings or actions taken or purported to have been taken and things done or purported to have been done by the Sree Guruvayoor Devaswom Managing Committee or the Administrator or the Renovation Executive Committee under the said Act shall, in so far as they are not inconsistent with the provisions of this Act be deemed to have been passed, made, taken or done by the appropriate authority under this Act as if this Act were in force on the dates on which such orders, decisions, proceedings, actions and things were passed, made, taken or done or purported to have been passed, made, taken or done.

42. *Committee to be success or of Renovation Executive Committee.*—Notwithstanding the repeal of the said Act by section 41, the Gnruvayoor Devaswom Managing Committee constituted under this Act shall for all purposes be deemed to be the successor of the Renovation Executive Committee approved and recognised by the Government under the said Act.

43. *Repeal and saving.*—(1) The Guruvayoor Devaswom Ordinance, 1977 (25 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Sree Krishna Temple, Guruvayoor, which is an important religious institution of this State, was being managed in accordance with the Guruvayoor Devaswom Act, 1971. In O.P. No. 314/1973, the Kerala High Court has held that sections 3, 4, 11, 12, 14 to 18, sub-section (6) of section 19, section 20, section 21, section 24 (1), (2) and clause (f) of sub-section (3), section 25 and section 32 of the Guruvayoor Devaswom Act, 1971 are unconstitutional and void as being violative of Articles 25 and 26 of the Constitution. The Court also observed that since the operative provisions of the Act are mainly contained in the provisions held to be unconstitutional and void and since it is not possible to effectuate the objects, purposes and scheme of the Act with the remaining provisions alone, the result is that the entire statute is rendered ineffective and void. The High Court had also stayed the operation of the judgment for a period of two weeks from the 15th November, 1977, in order to allow reasonable time to the State to take such steps as it may deem fit in the light of the pronouncement by the Court.

2. In the interests of the Temple and in the interests of the denomination and the worshipping public, it was considered necessary to enact a law for the proper management of the Temple after curing the defects pointed out in the judgment of the High Court. As the Legislative Assembly was not in session and as the proposal had to be given effect to before the expiry of the period of stay of operation of the judgment of the High Court, the Guruvayoor Devaswom Ordinance, 1977 (25 of 1977), was promulgated by the Governor on the 29th November, 1977, for the purpose. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 (1) (d) and (e) of the Bill seek to empower the Hindus among the Council of Ministers to nominate members to the Guruvayoor Devaswom Managing Committee.

Clause 5 (3) seeks to empower the Government to remove members of the Committee from office in certain circumstances.

Clause 6 seeks to empower the Government to supersede the Committee by notification in the Gazette, if in the opinion of the Government the Committee is not competent to perform or makes default in the performance of its duties.

Clause 9 seeks to confer power on the Government to prescribe the travelling and daily allowances of the members of the Committee.

Sub-clauses (1) and (2) of clause 11 seek to empower the Commissioner to sanction alienation of movable and immovable properties of the Devaswom. Sub-clause (3) of the clause seeks to empower the Government to prescribe the manner in which the Commissioner shall publish the particulars relating to any proposed transaction of Devaswom properties before according sanction for the transaction. Sub-clause (4) of the clause seeks to empower the Commissioner to impose conditions and to give directions regarding the utilisation of the amount raised by the transaction, the investment thereof, etc. Under sub-clause (5) of the clause, the Government have power to prescribe the manner in which the order of the Commissioner under the clause shall be published.

Clause 13 seeks to empower the Government to prescribe the time at which and the manner in which the Administration Report of the Devaswom shall be published.

Sub-clause (2) of clause 15 seeks to empower the Government to fix the salary and allowances of the Administrator, with the sanction of the Committee. According to sub-clause (5), the conditions of service of the Administrator shall be such as may be determined by the Committee by regulations.

Clause 16 seeks to empower the Government to appoint an officer of the Government not below the rank of Deputy Collector to be in additional charge of the office of the Administrator for a period not exceeding three months and to fix the allowances to be payable to such officer.

Sub-clause (5) of clause 18 seeks to provide that the conditions of service of the officers and employees who were in the service of the Devaswom immediately before the commencement of the Act shall be such as may be prescribed by regulations.

According to sub-clause (4) of clause 19, the procedure for the selection and appointment of officers and other employees of the Devaswom shall be determined by the Committee by regulations.

Sub-clause (3) of clause 23 seeks to provide that auditors shall be appointed in the prescribed manner.

Sub-clause (2) of clause 25 seeks to empower the Government to prescribe additional matters relating to the accounts of the Devaswom, on which the auditor shall report.

Sub-clause (2) of clause 28 seeks to confer power on the Government to prescribe the form in which the Committee may make requisition to the Collector to deliver possession of any property to it or to the Administrator.

Clause 36 seeks to empower the Government to make orders not inconsistent with the provisions of the Act or the rules made thereunder, for the purpose of removing any difficulty in giving effect to the provisions of the Act.

Clause 38 seeks to empower the Government to make rules to carry out the purposes of the Act. Such rules may provide, *inter alia*, for the custody of the records and properties of the Devaswom, the payment of contributions towards the leave allowances, pension and provident fund of the Administrator and any other matter which has to be, or may be prescribed.

Clause 39 seeks to confer power on the Committee to make regulations, subject to the approval of the Government, to provide for the manner in which the duties imposed on it under the Act and its functions thereunder shall be discharged. The regulations may, *inter alia*, provide for the conditions of service of the Administrator, the procedure for selection and appointment of officers and employees of the Devaswom and the enforcement of the observance of the rites and ceremonies and other usages in the Temple.

The above are matters of an administrative or routine nature or matters of detail. Further, the rules, after they are made, are subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is therefore of a normal character.

K. K BALAKRISHNAN.

Government of Kerala
1978

Reg. No. KL/TV/12

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2338/LA4/78. *Dated, Trivandrum, 25th February, 1978.*

The Kerala Co-operative Land Mortgage Banks (Amendment) Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/760/MC

Fifth Kerala Legislative Assembly
Bill No. 60

THE KERALA CO-OPERATIVE LAND MORTGAGE BANKS (AMENDMENT) BILL, 1978

A

BILL

to amend the Kerala Co-operative Land Mortgage Banks *Act, 1960.*

Preamble.—WHEREAS it is expedient to amend the Kerala Co-operative Land Mortgage Banks Act, 1960, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Co-operative Land Mortgage Banks (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 16th day of January, 1978.

2. *Insertion of new section 4A.*—After section 4 of the Kerala Co-operative Land Mortgage Banks Act, 1960 (1 of 1960) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"4A. *Issue of debentures by Board for providing loans to Kerala State Electricity* Board.—(1) Notwithstanding anything contained in section 4, the Board may, with the previous sanction of the Trustee and the Government, issue debentures of one or more denominations for such period as it may deem expedient without the security of the mortgages and assets mentioned in the said section for the purpose of providing loans to the Kerala State Electricity Board constituted under the Electricity Supply Act, 1948 (Central Act 54 of 1948), for energisation of pumpsets under the schemes approved by the Agricultural Refinance and Development Corporation established by under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963):

Provided that no such debentures shall be issued unless the repayment of the principal of, and the interest on, the debentures has been guaranteed by the Government either without any conditions or subject to such conditions as they may think fit to impose.

(2) The debentures issued under sub-section (1) may contain a term fixing a period not exceeding twenty years from the date of issue during which they shall be irredeemable or reserving to the Board the right to call in, at any time, any of the debentures in advance of the date fixed for redemption after giving to the debenture-holder concerned not less than three months' notice in writing.".

3. *Amendment of section 5.*—In section 5 of the principal Act, in sub-section (1), for the words "The holders of the debentures shall have a floating charge", the words and figure "The holders of the debentures issued under section 4 shall have a floating charge" shall be substituted.

4. *Amendment of section 7.*—To section 7 of the principal Act, the following proviso shall be added, namely:—

"Provided that such regulations in respect of debentures issued under section 4A shall also be subject to the approval of the Government.".

5. *Repeal and saving.*—(1) The Kerala Co-operative Land Mortgage Banks (Amendment) Ordinance, 1978 (4 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Agricultural Refinance and Development Corporation agreed to provide refinance facilities to eligible institutions in respect of their loans to State Electricity Boards for energisation of agricultural pumpsets under the schemes approved by the Corporation but excluding those sanctioned by the Rural Electrification Corporation Limited and other agencies. It was further agreed by the Agricultural Refinance and Development Corporation that refinance would be available against loans given to State Electricity Boards for energisation even if loans for pumpsets only had been given under Agricultural Refinance and Development Corporation Schemes and the wells had been constructed from other funds. Later, the Agricultural Refinance and Development Corporation has extended the above facility to include—

(i) energisation of pumpsets installed by farmers from resources other than loans from co-operative or commercial banks under schemes approved by that Corporation for refinance; and

(ii) energisation of pumpsets in Rural Electrification Corporation scheme areas, whether or not a scheme as a whole has been completed in those areas, so long as the target numbers of pumpsets to be energised under the scheme have been achieved and the Rural Electrification Corporation certifies accordingly.

2. The Kerala Co-operative Central Land Mortgage Bank and the Kerala State Electricity Board have decided to take advantage of the facility offered by the Agricultural Refinance and Development Corporation. This is possible only if the Kerala State Electricity Board is enrolled as a member of the Kerala Co-operative Central Land Mortgage Bank.

3. The Agricultural Refinance and Development Corporation suggested that necessary action might be taken under section 101 of the Kerala Co-operative Societies Act, 1969, for the limited purpose of admitting the Kerala State Electricity Board as a member of the Kerala Co-operative Central Land Mortgage Bank. The Corporation also pointed out that consequent on the admission of the State Electricity Board as a member of the Central Land Mortgage Bank, the Bank will be required to advance loans to the Electricity Board and float debentures therefor against the guarantee to be furnished by the State Government as these loans would not be backed by any mortgages, that under section 4 of the Kerala Co-operative Land Mortgage Banks Act, 1960, debentures can be issued by the Central Land Mortgage Bank only on the security of the mortgages held by the Bank and its other assets and that it is necessary for the State Government to consider amendments to the Kerala Co-operative Land Mortgage Banks Act, 1960, so as to enable the Bank to float debentures against Government guarantee in respect of loans advanced to the Kerala State Electricity Board without being backed by effective mortgages.

4. As suggested by the Agricultural and Refinance Development Corporation, Government have issued orders under section 101 of the Kerala Co-operative Societies Act, 1969, exempting the Kerala Co-operative Central Land Mortgage Bank from the provisions of clause (a) of section 2 and sub-section (1) of section 16 thereof for the limited purpose of admitting the Kerala State Electricity Board as a member of the Bank for seeking refinance from the Agricultural Refinance and Development Corporation. It was also proposed to amend the Kerala Co-operative Land Mortgage Banks Act, 1960, on the lines suggested by the Corporation.

5. As the proposed amendments were of an immediate nature and as the Legislative Assembly was not in session, the Kerala Co-operative Land Mortgage Banks (Amendment) Ordinance, 1978, was

promulgated by the Governor for the purpose on the 12th January, 1978 and published as Ordinance 4 of 1978.

6. Section 4A inserted by section 3 of the Ordinance contemplates issue of debentures for the purpose of providing loans for energisation of pumpsets under the minor irrigation schemes approved by the Agricultural Refinance and Development Corporation. It has since been brought to the notice of the Government that refinance facilities offered by the Agricultural Refinance and Development Corporation are not restricted to energisation of pumpsets under the minor irrigation schemes only, but are available for energisation of pumpsets irrespective of the source of funds from which the pumpsets were bought. It is therefore proposed to modify section 4A for the purpose of availing refinance facility for the loans advanced by the Kerala Co-operative Central Land Mortgage Bank to the Kerala State Electricity Board for the energisation of other pumpsets also

7. The Bill seeks to replace the Ordinance by an Act of the Legislature with the above modification.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

BABY JOHN

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Saturday, 25th February 1978 / 6th Phalguna 1899 [No. 123

NOTICE

Under Section 9 (5) of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962)

No. A-583/76. *18th February 1978*

Notice is hereby given that the Government intend to take possession of the land mentioned in the list below, which is required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the land are required to appear in person or by authorised agent on 4-3-1978 at 11 a.m. before the Special Tahsildar, No. III, L. A. Railways, Trivandrum and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the land and the amount and particulars of their claim to compensation for such interests in the land and their objections, if any, to the measurements made under section 8 of the Act.

Note:—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons, to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under Section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതുകാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെന്റ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജന്റുമുഖേനയോ 4-3-1978-ാം തീയതി പകൽ 11 മണിക്ക് തിരുവനന്തപുരം റെയിൽവേ പൊന്നുംവില സ്പെഷ്യൽ തഹസിൽദാർ നമ്പർ III മുമ്പാകെ

ഹാജരാവുകയും ഭൂമിയിൽ അവരോരോരുത്തർക്കുമുള്ള അവകാശബന്ധങ്ങളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങൾ സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പു പ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും ഏതാണെന്നു കാണിച്ചുകൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജൻറുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെൻറ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്ന പക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയയ്ക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചു കൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പു പ്രകാരം കളക്റ്റർ വിധിച്ചു കൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Particulars of Land

District.—Trivandrum. *Taluk.*—Trivandrum.

Village—Vanchiyoor.

Sl. No.	*Survey No.*	*Description*	*Extent* A. Sy. m.
1.	1038/7	Dry	00 55
2.	1038/8	,,	00 75
3.	1038/9	,,	01 02
4.	1046/6	,,	04 60
5.	1046/8	,,	00 67

(Sd.)

Special Tahsildar No. III for
L. A., Railways.

Trivandrum.

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